

R E M A R K S

Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested. Claims 24-26 and 38-39 are currently being amended, and no claims are currently being canceled or added. Therefore, claims 1-14, 17, 22 and 24-42 are pending in the application.

Advisory Action Requested

If this response does not result in a Notice of Allowance, Applicant hereby requests a timely Advisory Action.

Written Statement regarding Substance of 6/7/06 Interview per 37 CFR 1.133(b)

Applicants appreciate very much the opportunity to discuss the rejections in this application with Examiner Said E. Broome in the telephone interview that occurred on June 7, 2006. In accordance with the requirements of 37 CFR 1.133(b), and the Manual of Patent Examining Procedure (MPEP) §713.04, Applicants provide the following written statement of the reasons presented at the interview as warranting favorable action.

Those participating in the interview were Examiner Broome, Supervisory Examiner Ulka Chauhan, and the undersigned attorney of record. No exhibits were shown or discussed. The claims that were discussed were claims 1, 4, 17, 22, 24 and 38-42. The prior art that was discussed was U.S. Patent No. 5,963,203 to Goldberg et al. ("Goldberg et al.") and U.S. Patent No. 6,665,342 to Brown et al. ("Brown et al.").

The general thrust of the Applicants' principal arguments

that were discussed in the interview were as follows.

For independent claims 1, 4 and 40, Applicants argued that "the cut surface" formed by "cutting the box space by a surface that contains a plurality of points each of which differs from the other in time value" is not described in the section of Goldberg et al. pointed out by the Examiner.

More specifically, Applicants argued that the concept of "cracked open" images in Goldberg et al. refers to "spreading apart" frames in order to obtain the accordion effect shown in Fig. 8. Therefore, the "surface" derived from "cracking open" contains only points having the identical time values, whereas the "cut surface" of the subject application is quite different in that it contains a plurality of points having different time values. Applicants pointed out that it appears the Examiner disregarded an important claim feature whereby "a plurality of points" contained in "a surface" are such that "each of which differs from the other in time value."

For independent claims 17, 22, 41 and 42, Applicants argued that claims 17 and 22 define synthesizing in "a ratio" according to an attribute value (for example, synthesizing according to an alpha value). In contrast, Brown et al. merely describes obtaining a photograph 240 by synthesizing a mask (320B) and an image 315A, where the mask (320B) is obtained by attribute differencing of the two images (315A and 315B) in Fig. 4. The description of "synthesizing in a ratio according to an attribute value" is not found anywhere in the reference, including the section pointed out by the Examiner.

For dependent claim 24, Applicants pointed out that the claim requires setting time intervals of the determining frames

in accordance with an attribute value of the frames (for example, attribute values (red components) derived from frames preceding the current one by time t are used for synthesis). However, Goldberg et al. fails to describe setting time intervals of the frames in accordance with an attribute value. The Examiner bases the rejection of claim 24 on the description in column 4, lines 51-57 of Goldberg et al., where it is merely described that there are two images spaced apart in a time axis. No description is given of the setting of time intervals of the frames in accordance with an attribute of the images.

Regarding proposed amendments, an amendment to claims 38 and 39 changing the dependency thereof was discussed, but no agreement was reached.

The Examiner found Applicants' arguments for claims 1, 4 and 40 to be persuasive and agreed to withdraw the rejections of those claims.

The Examiner confirmed that claim 41 is rejected on the same basis as claims 17, 22 and 42.

With respect to claims 17, 22, 41 and 42, the Examiner referred to page 5, lines 21-25 of the instant application. The Examiner indicated that he is of the opinion that this portion of the instant application defines "attribute value" very broadly. Using this definition of "attribute value," the Examiner is of the opinion that Brown et al.'s FIG. 4 itself shows "synthesizing in a ratio according to an attribute value." Therefore, the Examiner said he will maintain the rejections.

The Examiner said that claims 17, 22, 41 and 42 would be allowable if they were amended to recite "cutting the box space by a surface that contains a plurality of points each of which

differs from the other in time value," as is recited in claims 1, 4 and 40.

With respect to claim 24, the Examiner indicated that he is unable to determine whether or not the claim is allowable at this time because he is of the opinion that the language is unclear. Namely, the Examiner considers the following language to be unclear: "sets time intervals of the determining frames to separate time intervals in accordance with an attribute value thereof." The Examiner suggested that the language be clarified by amendment, but no specific amendments were discussed.

Claim Rejections under 35 U.S.C. 102

I. Claims 1-5, 7-10, 13, 14, 29 and 40 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,963,203 to Goldberg et al. ("Goldberg et al."). Applicants respectfully traverse these rejections.

1. Independent Claims 1, 4 and 40

As discussed above, in the telephone interview of June 7, 2006, the Examiner found Applicants' arguments for claims 1, 4 and 40 to be persuasive and agreed to withdraw the rejections of those claims. As such, these rejections should be withdrawn.

2. Claims 2, 3, 5-14, 29

Claims 2 and 3 are allowable at least by virtue of their dependency from allowable claim 1, and claims 5-14 and 29 are allowable at least by virtue of their dependency from allowable claim 4.

II. Claims 17, 22, 34, 36, 41* and 42 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No.

6,665,342 to Brown et al. ("Brown et al."). Applicants respectfully traverse these rejections. (*The Examiner confirmed during the June 7, 2006, telephone interview that claim 41 is rejected on the same basis as claims 17, 22 and 42).

Independent claim 17 recites "synthesizing . . . in a ratio according to an attribute value of the image . . .". Independent claims 22, 41 and 42 include similar language. Thus, since the "ratio" is determined in accordance with an attribute value, the "ratio" differs from image to image. One example of inventive synthesis is alpha blending where images are synthesized in respective ratios. (See Applicants' specification, page 27, lines 1-8, and page 53, lines 3-9).

Fig. 4 of Brown et al. discloses synthesis of images segmented by using a "mask." The "segmentation and synthesis" approach of Brown et al., however, is different from alpha blending where the images are synthesized according to respective ratios. Nor does Brown teach a process whereby the "ratio" is determined in accordance with an attribute value. Thus, the invention disclosed in Brown is distinctly different from Applicants' claims and it cannot be said that the features of claims 17, 22, 41 and 42 are disclosed in the references.

Therefore, the rejections of independent claims 17, 22, 41 and 42 should be withdrawn. Furthermore, the rejections of dependent claims 34 and 36 should be withdrawn for at least these same reasons.

Claim Rejections under 35 U.S.C. 103

Claims 6, 11, 12, 24-28, 30-33, 35, 37-39 have been rejected under 35 U.S.C. 103(b) as being unpatentable over various

combinations of Goldberg et al., Brown et al., as well as U.S. Patent No. 6,940,997 to Kaneko et al. ("Kaneko et al."), the paper "Computer Graphics: Principals and Practice" by Foley et al. ("Foley et al."), and U.S. Patent No. 5,926,186 to Itoh et al. ("Itoh et al."). Applicants respectfully traverse these rejections.

1. Claims 6, 11-12, 27-39

Claims 6, 11-12, and 35 are allowable at least by virtue of their dependency from allowable claim 4. Claims 27, 29, 31 and 33 are allowable at least by virtue of their dependency from allowable claim 9. Claims 28, 30, 32, 34, 36 and 37 are allowable for at least the same reasons as independent claim 22 by virtue of their dependency therefrom.

Applicants have amended dependent Claims 38 and 39 to correct a minor error regarding the designation of claims from which they depend. Both of these claims were formerly written as being dependent from claim 28. They have each been amended to depend from claim 37. As such, they are allowable for at least the same reasons as independent claim 22 by virtue of their dependency therefrom.

Therefore, the rejections of claims 6, 11-12, and 27-39 should be withdrawn.

2. Claim 24

In the telephone interview of June 7, 2006, the Examiner indicated that he considered the language of claim 24 to be unclear. As such, Applicants have amended claim 24 to clarify the language. Furthermore, Applicants have amended claim 24 to make it an independent claim.

More specifically, independent claim 24 now recites that the

image conversion unit reads out, for each in-picture position of an image contained in a target frame, "data that correspond to the in-picture position from a frame temporally displaced from the target frame by an amount determined by an attribute value of the in-picture position". The Examiner bases the rejection of claim 24 on the description in column 4, lines 51-57 of Goldberg et al., where it is merely described that there are two images spaced apart in a time axis. Applicants assert that Goldberg et al. does not describe reading out data that correspond to the in-picture position from a frame temporally displaced from the target frame by an amount determined by an attribute value of the in-picture position.

Therefore, the rejection of independent claim 24 should be withdrawn.

3. Claims 25 and 26

Applicants have amended claims 25 and 26 to make them dependent on newly independent claim 24. As such, the rejections should be withdrawn for at least the same reasons as independent claim 24 by virtue of their dependency therefrom.

Fees Believed to be Due

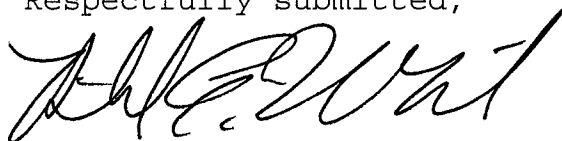
Fees have previously been paid in this application for a total of 35 claims with 9 claims being independent claims. The above amendment has resulted in there now being a total of 35 claims with 8 claims being independent claims. Thus, no extra claims fees are believed to be due.

Amendment
App. No. 10/693,231

C O N C L U S I O N

By way of this response, Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Richard E. Wawrzyniak at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



Richard E. Wawrzyniak

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Dated: _____

6/23/06

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